

## TOWN OF PAGOSA SPRINGS, COLORADO

### ORDINANCE NO. 777 (SERIES 2012)

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY BY THE TOWN OF PAGOSA SPRINGS, COLORADO OF A GROUND LEASE BETWEEN THE TOWN AS LESSOR AND SKYWERX INDUSTRIES, LLC AS LESSEE WITH RESPECT TO CERTAIN REAL PROPERTY LOCATED ON RESERVOIR HILL; AUTHORIZING OFFICIALS OF THE TOWN TO TAKE ALL ACTION NECESSARY TO CARRY OUT THE TRANSACTION CONTEMPLATED HEREBY AND PROVIDING FOR RELATED MATTERS

WHEREAS, the Town of Pagosa Springs ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003; and

WHEREAS, pursuant to Section 10.6 of the Pagosa Springs Home Rule Charter of 2003, the Town has full authority, power and control over all Town owned property, including but not limited to, all power and authority to lease such property; and

WHEREAS, the Town Council (the "Council") of the Town hereby finds that it is in the best interests of the Town, its residents and taxpayers to enter into the ground lease attached hereto as Exhibit A for that certain real property located on Reservoir Hill as more particularly described therein (the "Lease").

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

**I. Authorization of Lease.** The Lease, in substantially the form attached, is in all respects approved, authorized and confirmed. The Council hereby approves the leasing of the Premises by the Town to the Lessee for an initial term of five years with the option to renew for five successive five year terms at a rental amount of Lessee will purchase and deploy a 365 Mbps licensed backhaul to provide a **free** 60 Mbps Internet connection (normally costing approximately \$22,000 annually) to the Town of Pagosa Springs and Archuleta County.

**II. Execution of Miscellaneous Documents.** The Town Manager is authorized and directed to execute the Lease in substantially the form attached, for and on behalf of the Town. The Town Clerk is hereby authorized and directed to attest **all** signatures and acts of any official of the Council or the Town on the Lease.

**III. Public Inspection.** The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

**IV. Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

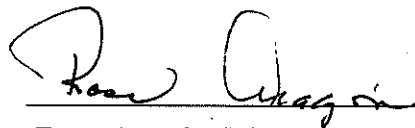
**V. Public hearing.** A public hearing on this Ordinance shall be held on the 6<sup>th</sup> day of September, 2012, at 5:00 p.m. at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.

**VI. Effective date.** This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS ON THE 23 DAY OF Aug, 2012.

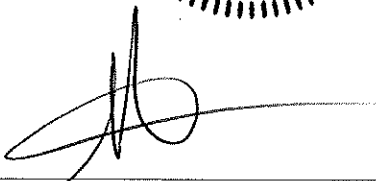
TOWN OF PAGOSA SPRINGS,  
COLORADO

By:



Ross Aragón, Mayor

Attest

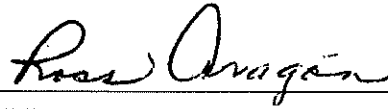


April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS SPECIAL MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 6 DAY OF Sept, 2012.

TOWN OF PAGOSA SPRINGS,  
COLORADO

By:



Ross Aragón, Mayor

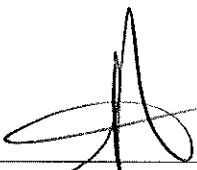
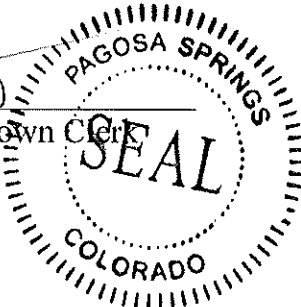
Attest

  
April Hessman, Town Clerk

## CERTIFICATE OF PUBLICATION

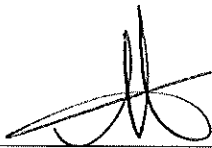
I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 777 (Series 2012) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 23 day of August, 2012, and was published by title only, along with a statement that the full text of the Ordinance, including any amendments, is available for public inspection at the office of the Town Clerk at Town Hall, on the Town's official website, on Aug 23, 2012, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 7 day of Sept, 2012.

  
\_\_\_\_\_  
April Hessman, Town Clerk  
(SEAL) 

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 777 (Series 2012) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its special meeting held on the 6 day of Sept, 2012, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on Sept 7, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 7 day of Sept, 2012.

  
\_\_\_\_\_  
April Hessman, Town Clerk  
(SEAL) 